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DOCUMENT 1: CIVIL RIGHTS COMPLAINT

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

VICTORIA VANHORN,
Plaintiff,

v. **Case No. [TO BE ASSIGNED]**

TRACY TOMAC, in her official capacity as 161 E Mich Ave Battle Creek
District Court Judge; RONALD FIELDS; unknown
PHYLLIS FIELDS; DAVID J. DEGRAW; unknown
CALHOUN COUNTY SHERIFF'S DEPARTMENT; Marshall MI 49068
and JOHN DOES 1-10,
Defendants.

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(42 U.S.C. § 1983 and Constitutional Due Process)

TO THE HONORABLE COURT:

Plaintiff Victoria VanHorn, proceeding pro se, brings this action for violation of her constitutional rights under 42 U.S.C. § 1983 and the Fourteenth Amendment, and respectfully alleges:

INTRODUCTION

1. This is a civil rights action challenging a void state court judgment that violates fundamental constitutional due process through mathematical impossibility, jurisdictional defects, and systematic fraud.

FILED - KZ

June 4, 2025 4:21 PM

U.S. DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
ems Scanned by ES/619

1:25-cv-625

Paul L. Maloney
U.S. District Judge

Case 1:25-cv-00625-PLM-PJS ECF No. 1, PageID.2 Filed 08/04/25 Page 2 of 11

****2.**** The undisputed documentary evidence shows plaintiff paid \$26,064.40 on a \$32,000 land contract (81.5%), entitling her to a six-month redemption period under Michigan law. Defendants obtained a 90-day judgment through fraudulent evidence and violation of mandatory statutory requirements.

****3.**** The state court lacked subject matter jurisdiction as defendants' own records show the amount in controversy exceeded \$25,000, requiring Circuit Court jurisdiction.

JURISDICTION AND VENUE

****4.**** This Court has jurisdiction under 28 U.S.C. § 1331 (federal question) and § 1343 (civil rights).

****5.**** Venue is proper under 28 U.S.C. § 1391(b) as the constitutional violations occurred in this district.

****6.**** This action is brought under 42 U.S.C. § 1983 for deprivation of constitutional rights under color of state law.

PARTIES

****7.**** Plaintiff Victoria VanHorn is a resident of Homer, Michigan, and purchaser under the land contract.

****8.**** Defendant Tracy Tomac is sued in her official capacity as Judge of the 10th Judicial District Court who entered the void judgment.

****9.**** Defendants Ronald Fields and Phyllis Fields are the sellers under the land contract who presented fraudulent evidence.

****10.**** Defendant David J. DeGraw is the attorney who presented contradictory schedules to the court.

****11.**** Defendant Calhoun County Sheriff's Department is the entity attempting to enforce the void judgment.

FACTUAL ALLEGATIONS

The Land Contract and Payment History

****12.**** On October 3, 2017, plaintiff entered a \$32,000 land contract with defendants for property at 21721 T Drive South, Homer, Michigan.

****13.**** According to defendants' own payment schedules, plaintiff made total payments of \$26,064.40.

****14.**** $\$26,064.40 \div \$32,000.00 = 81.5\%$ of the original purchase price.

****15.**** Michigan Compiled Law 600.5744 mandates: "If the amount paid under the land contract equals or exceeds 50% of the original purchase price... the redemption period shall be 6 months."

The Jurisdictional Fraud

****16.**** On December 16, 2024, defendants' payment schedule showed the claimed balance exceeded \$25,000.

****17.**** On December 17, 2024, defendants filed suit in District Court, which lacks jurisdiction over cases exceeding \$25,000.

****18.**** On December 18, 2024, defendants' attorney used a non-updated schedule to conceal the jurisdictional defect.

****19.**** Defendants deliberately filed in a court lacking subject matter jurisdiction to obtain an invalid judgment.

The Payment Schedule Fraud

****20.**** Defendants presented five different payment schedules for identical payment history, each purporting to be an authentic record yet showing contradictory results.

****21.**** No reasonable person could examine five contradictory schedules for the same payment history and conclude they represent accurate records rather than systematic fraud.

****22.**** The systematic presentation of fraudulent evidence constitutes fraud upon the court designed to defeat statutory redemption rights.

The Void Judgment

****23.**** Despite 81.5% payment requiring a six-month redemption period under MCL 600.5744, Judge Tomac entered judgment on March 3, 2025, providing only a 90-day redemption period.

****24.**** The judgment violates mandatory state law by applying a 90-day redemption period when 81.5% payment mandates 180 days under MCL 600.5744.

****25.**** The court lacked subject matter jurisdiction to issue any judgment as the amount exceeded District Court limits.

Constitutional Violations and Emergency Enforcement

****26.**** On [DATE], plaintiff served notice on all defendants that the judgment is void ab initio for multiple independent reasons.

****27.**** Despite receiving notice of void status, defendants continue attempting enforcement through sheriff's eviction served today.

****28.**** Defendants' continued enforcement with knowledge of void status violates 42 U.S.C. § 1983 and constitutional due process.

COUNT I - VIOLATION OF 42 U.S.C. § 1983

****29.**** Plaintiff repeats and realleges all previous allegations.

****30.**** Defendants, acting under color of state law, deprived plaintiff of rights secured by the Constitution and federal law.

****31.**** The enforcement of a mathematically impossible judgment violates substantive due process.

****32.**** The systematic presentation of fraudulent evidence violates procedural due process.

COUNT II - DENIAL OF DUE PROCESS

****33.**** Plaintiff repeats and realleges all previous allegations.

****34.**** The judgment deprives plaintiff of significant property interest (81.5% equity - over \$26,000 invested) without due process of law.

****35.**** Mathematical impossibility cannot be cured by subsequent proceedings - 81.5% will always exceed 50%, requiring six months redemption under state law.

COUNT III - LACK OF SUBJECT MATTER JURISDICTION

****36.**** Plaintiff repeats and realleges all previous allegations.

****37.**** Michigan District Courts lack subject matter jurisdiction over cases where the amount in controversy exceeds \$25,000.

****38.**** A court cannot confer subject matter jurisdiction upon itself, and any judgment entered without jurisdiction is void ab initio.

PRAYER FOR RELIEF

****WHEREFORE,**** Plaintiff respectfully requests this Court:

****A.**** Declare the state court judgment void ab initio for lack of subject matter jurisdiction;

****B.**** Issue permanent injunction against enforcement of the void judgment;

****C.**** Award damages under 42 U.S.C. § 1983 for constitutional violations;

****D.**** Award attorney's fees and costs under 42 U.S.C. § 1988;

****E.**** Grant such other relief as this Court deems just and proper.

****Victoria VanHorn****

****Pro Se Plaintiff****

****21721 T Drive South****

****Homer, Michigan 49245****

****[Phone Number]****

****[Email Address]****

DOCUMENT 2: EMERGENCY TRO MOTION

****UNITED STATES DISTRICT COURT****

****WESTERN DISTRICT OF MICHIGAN****

****SOUTHERN DIVISION****

****VICTORIA VANHORN,****

Plaintiff,

v.

****Case No. [TO BE ASSIGNED]****

[Phone Number]

[Email Address]

DOCUMENT 3: CIVIL COVER SHEET

JS 44 (Rev. 06/17)

CIVIL COVER SHEET

I. (a) PLAINTIFFS: Victoria VanHorn

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF: Calhoun

(c) DEFENDANTS: Tracy Tomac, et al.

(d) COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT: Calhoun

II. BASIS OF JURISDICTION: ☐ 1 U.S. Government Plaintiff ☐ 2 U.S. Government Defendant ☒ 3 Federal Question ☐ 4 Diversity

III. CITIZENSHIP OF PRINCIPAL PARTIES: N/A (Federal Question)

IV. NATURE OF SUIT: ☒ 440 Other Civil Rights

V. ORIGIN: ☒ 1 Original Proceeding

VI. CAUSE OF ACTION: 42 U.S.C. § 1983 - Constitutional due process violations by state actors

VII. REQUESTED IN COMPLAINT: ☒ CHECK IF THIS IS A CLASS ACTION ☐ DEMAND \$ JURY DEMAND ☐ Yes ☒ No

Victoria VanHorn

Pro Se

Date: [TODAY'S DATE] June 4 2025

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WHAT TO SAY AT FEDERAL COURT

Pro Se 1 (Rev. 12/16) Complaint for a Civil Case

UNITED STATES DISTRICT COURT

for the

Western District of Michigan

Southern Division

Case No. _____

(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Jury Trial: (check one) ☐ Yes ☒ No

COMPLAINT FOR A CIVIL CASE

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address

Victoria VanHorn
 21721 T Drive S Homer
 Homer Calhoun
 ME 49245
 517 554 0596
 Deigert1994@gmail.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Pro Se 1 (Rev. 12/16) Complaint for a Civil Case

Defendant No. 1

Name
 Job or Title (if known)
 Street Address
 City and County
 State and Zip Code
 Telephone Number
 E-mail Address (if known)

Ronald Fields

unknown

269

unknown

Defendant No. 2

Name
 Job or Title (if known)
 Street Address
 City and County
 State and Zip Code
 Telephone Number
 E-mail Address (if known)

Judge Tracy Tomic

Judge Tracy Tomic

161 E Michigan Ave.

Battle Creek

MI

49248

Defendant No. 3

Name
 Job or Title (if known)
 Street Address
 City and County
 State and Zip Code
 Telephone Number
 E-mail Address (if known)

David DeGraaf

Attorney

unknown

Defendant No. 4

Name
 Job or Title (if known)
 Street Address
 City and County
 State and Zip Code
 Telephone Number
 E-mail Address (if known)

Calhoun County Sheriff

Marshall MI 49

MI

269-781-0881

49008

Pro Se 1 (Rev. 12/16) Complaint for a Civil Case

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? (check all that apply)

☒ Federal question

☐ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

42 U.S.C. 1983 Civil Rights Violations
 of Law
 14th amendment Due Process Violations
 28 U.S.C. 1331 - Federal Question Jurisdiction

B. If the Basis for Jurisdiction Is Diversity of Citizenship**1. The Plaintiff(s)****a. If the plaintiff is an individual**

The plaintiff, (name) _____, is a citizen of the
 State of (name) _____.

b. If the plaintiff is a corporation

The plaintiff, (name) _____, is incorporated
 under the laws of the State of (name) _____,
 and has its principal place of business in the State of (name) _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)**a. If the defendant is an individual**

The defendant, (name) _____, is a citizen of
 the State of (name) _____. Or is a citizen of
 (foreign nation) _____.

Pro Se 1 (Rev. 12/16) Complaint for a Civil Case

b. If the defendant is a corporation

The defendant, (name) _____, is incorporated under the laws of the State of (name) _____, and has its principal place of business in the State of (name) _____.

Or is incorporated under the laws of (foreign nation) _____, and has its principal place of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because (explain):

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

Defendants violated plaintiffs constitutional due process rights enforcing a void forfeiture/judgment. Plaintiff paid \$1.5M of purchase price, manipulating retro redemption under Michigan law but state court gave only 40 days, failed to take jurisdiction amount over \$5000. Defendants provided fraudulent evidence and continue to ignore. IV. Relief requested: notice of void status, violating 42 USC 1983 17th amendments

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

2. Declaratory Judgment that state court judgment is void. 2. Emergency Temporary Restraining Order halting enforcement. Permanent Injunction against enforcement of void judgment. Damages under 42 USC for constitutional violations. Attorney fees under 42 USC 1988. 3. Such other Relief as the court deem just and proper.

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

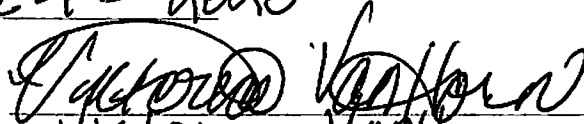
I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

June 4th 2025

Signature of Plaintiff

Printed Name of Plaintiff


Victoria VanHorn**B. For Attorneys**

Date of signing: _____

Signature of Attorney _____

Printed Name of Attorney _____

Bar Number _____

Name of Law Firm _____

Street Address _____

State and Zip Code _____

Telephone Number _____

E-mail Address _____